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14 **MARILYN BETH DAHL**

15
16 UNITED STATES DISTRICT COURT
17
18 NORTHERN DISTRICT OF CALIFORNIA
19
20 SAN FRANCISCO DIVISION
21
22

23 **MARILYN BETH DAHL,**

24 Plaintiff,

25 v.

26 **MACERICH; HOWARD S. WRIGHT;
27 THE MALL AT NORTHGATE; DOES
28 1-20,**

Defendants.

CASE NO. CV 12-1231 (CRB)

**STIPULATION TO REMAND
CASE TO MARIN COUNTY
SUPERIOR COURT; ORDER**

Removed from State Court:

March 12, 2012

Plaintiff Marilyn Beth Dahl and defendants Macerich, Howard S. Wright,
and The Mall at Northgate, by and through their respective counsel, hereby agree
and stipulate as follows:

STIPULATION

1
2 1. On January 5, 2011, plaintiff commenced an action in the Superior Court
3 of California in and for the County of Marin titled Marilyn Beth Dahl v. Macerich,
4 Howard S. Wright, and The Mall at Northgate as Case No. CIV 11-00047.

5 2. On March 6, 2012, plaintiff filed a first amended complaint alleging
6 premises liability, general negligence, and negligence per se based on violations of
7 the Americans with Disabilities Act (ADA), the California Disabled Persons Act
8 (California Civil Code § 54 et seq.), the Unruh Civil Rights Act (California Civil
9 Code § 51 et seq.), and the California Building Code.

10 3. On March 12, 2012, defendants removed the case to federal court,
11 claiming jurisdiction was proper because plaintiff's cause of action for an alleged
12 violation of the ADA arises under federal law.

13 4. Plaintiff has agreed to dismiss her cause of action under the ADA, with
14 prejudice.

15 5. Therefore, the parties stipulate that upon the Court's dismissal of
16 plaintiff's ADA cause of action with prejudice, this action should immediately be
17 remanded to the Marin County Superior Court because this Court lacks subject-
18 matter jurisdiction.

19 6. Each party shall bear her/his/its own attorneys fees and costs with
20 respect to the removal and subsequent remand of this action in accordance with this
21 Stipulation and Order.

22 7. This Stipulation moots all pending motions before this Court, and all
23 pending deadlines and hearings in this case should be taken off the Court's
24 calendar.

25 DATED: May 21, 2012

ROUDA, FEDER, TIETJEN & MCGUINN

27 By: /s/ Ronald H. Rouda

28 RONALD H. ROUDA
Attorneys for Plaintiff

DATED: May 21, 2012

WATT, TIEDER, HOFFAR & FITZGERALD

By: /s/ Nicholas A. Merrell

NICHOLAS A. MERRELL
Attorneys for Defendants

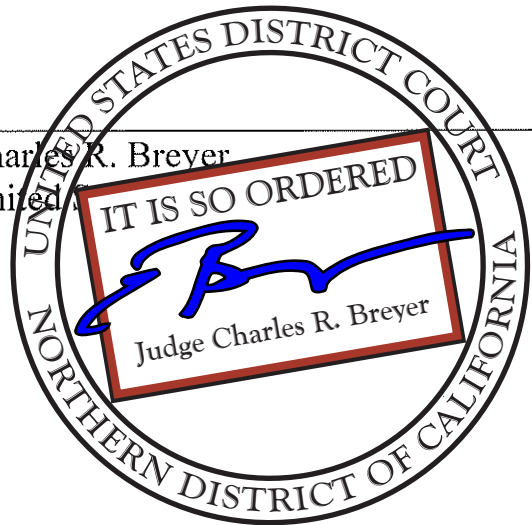
ORDER

Good cause appearing, it is ordered that:

1. Plaintiff's cause of action for alleged violations of the Americans with Disabilities Act is hereby dismissed with prejudice.
2. This action is hereby remanded to the Marin County Superior Court;
3. Each party shall bear her/his/its own attorneys fees and costs with respect to the removal and subsequent remand of this action;
4. This Order moots all pending motions before this Court, and all pending deadlines and hearings in this case shall be taken off the Court's calendar;

Dated: May 29, 2012

Charles R. Breyer
United States District Judge



CERTIFICATE OF SERVICE

I hereby certify that on the 22nd day of May, 2012, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF System which will send notification of such filing via electronic mail to the following CM/ECF participants:

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I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

/s/ Dolores Polk

Dolores Polk